

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF HUMAN SERVICES

In the Matter of the Maltreatment,
Disqualification and License Revocation
for Patricia and Wayne Zabel

SECOND PREHEARING ORDER

A prehearing conference was held by telephone on February 18, 2010. Cynthia B. Jahnke and Jan Haavala, Assistant Attorneys General, appeared on behalf of the Department of Human Services (Department). James R. Carlson, O'Brien & Wolf, L.L.P., appeared on behalf of Patricia and Wayne Zabel (Respondents).

This matter was previously scheduled for hearing on December 1 and 2, 2009, but was continued so that the parties could pursue settlement. Settlement discussions were not successful and the Department has declined to participate in mediation. Therefore, the parties shall proceed to hearing.

On January 4, 2010, the Respondents filed a motion to dismiss some of the issues raised in the Notice and Order for Hearing and to exclude exhibits that the Department intends to offer at hearing, and gave notice that they would not waive foundation for the Department's proposed exhibits 6, 8 and 9. At a telephone conference on January 8, 2010, the parties agreed that the Department's response to the motion could be delayed, pending the outcome of the settlement discussions. During this telephone conference, the parties agreed to a schedule for completing the briefing on the Respondents' motion.

IT IS HEREBY ORDERED:

1. The Department's response to the Respondents' motion shall be filed and served by **March 16, 2010**, and the Respondents shall serve and file their reply by **March 26, 2010**, or give notice that no reply will be filed.

2. This matter is scheduled for hearing on **June 3, 2010**, commencing at **9:30 a.m.** at the Wabasha County Courthouse, Courtroom One, 848 17th Street East, Wabasha, Minnesota 55981, and continuing on June 4, 2010, if necessary. The contact person at the Courthouse is Twila Holtan, 651-565-3012.

3. The parties shall exchange any additional proposed written exhibits and amended witness lists, and file them with this office by **May 27, 2010**. See Minn. R.

1400.6950. To the extent possible, the parties shall enter into prehearing stipulations regarding the facts involved in the hearing and foundation for anticipated exhibits. Any party objecting to foundation for any newly disclosed written exhibit shall notify the offering party and judge in writing at least two working days prior to the hearing or the foundation objection is waived.

4. Hearings are ordinarily digitally recorded. In the event that any party requests a court reporter, notice shall be given to the Office of Administrative Hearings no later than **May 27, 2010**. See Minn. R. 1400.7400, subp. 2.

5. Subpoenas were previously issued. If new subpoenas are required, requests shall be made in writing to the administrative law judge pursuant to Minn. R. 1400.7000. A copy of the subpoena request shall be served on the other party. A subpoena request form is available at www.oah.state.mn.us.

6. The parties have not requested accommodation for a disability or appointment of an interpreter. The Office of Administrative Hearings shall be notified promptly if either an accommodation or interpreter is needed.

Dated this 25th day of February 2010.

s/Beverly Jones Heydinger

BEVERLY JONES HEYDINGER
Administrative Law Judge